

EXHIBIT B

SUSMAN GODFREY

WHO WE ARE

Susman Godfrey, America's premier litigation boutique, was founded on a simple vision: Hire only the best; get rewarded for success; and handle every case with a relentless focus on winning at trial. That's why Susman Godfrey is the best at what we do: high-stakes commercial litigation. But don't take our word for it—take theirs:

“Pick your metric—money, US Supreme Court clerks, bet-the-company cases, percentage of partners in trial annually—the firm runs circles around everyone else.” — LAWDAGON

“Probably the single best law firm I've worked with.”
— CLIENT AS QUOTED IN CHAMBERS

“They are simply smarter, faster, more aggressive (when appropriate) and more strategically astute than their competitors. In my mind, they do not have a peer firm. They are the gold standard.”
— CLIENT QUOTE IN THE LEGAL 500

“One of the nation's most impressive—and most feared—litigation boutiques.” — ABOVE THE LAW

RECOGNITION WE RECEIVE



- 2022 Trial Firm of the Year
- 2023 Commercial Litigation Firm of the Year



- All four offices and 21 attorneys recognized in 2024



- 2024 Media & Entertainment Group of the Year
- 2024, 19 & 18 Class Action Group of the Year
- 2021 Privacy Litigation and Environmental Litigation Group of the Year
- 2019 Intellectual Property Group of the Year
- 2013 - 15 Most Feared Plaintiffs Firm



- Leading Trial Law Firm in America
- Nearly 25% of our partnership named Top 500 Leading Lawyers in America in 2020; and
- Over 50% of our partnership named Top 500 Plaintiff Financial Lawyers in 2023 (more than any other firm in the guide.)

susmangodfrey.com



- #1 Litigation Boutique in the US: 13 years in a row, every year since the survey's inception



- 17 attorneys and three practice areas recognized in 2023



- 2023 & 2019 Specialty/Boutique Litigation Department of the Year



- 2020 Class Action Firm of the Year
- 2019 Business Torts Firm of the Year
- 2018 Antitrust Firm of the Year



- 2022 & 2019 Mid-Sized Firm of the Year
- Two Cases Included on the 2019 Hall of Fame

FAST FACTS



OVER **170**
TRIAL LAWYERS
ACROSS THE US



95% OF OUR
TRIAL LAWYERS
ARE FORMER LAW
CLERKS TO FEDERAL
JUDGES



10 OF OUR TRIAL
LAWYERS CLERKED
FOR THE SUPREME
COURT OF THE
UNITED STATES



APPROX. **50%**
OF OUR LAWYERS
GO TO TRIAL EACH
YEAR

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CLIENTS WE REPRESENT

Our clients are plaintiffs and defendants. They are individuals, startups, multinational giants, and every kind and size of commercial actor in between. We work with them to find the fee deals that best suit their cases: many are contingent or tie bonuses to specific goals; others feature predictable flat fees or craft ingenious hybrids; and some are straight hourly. But all of our clients share a common desire to partner with the best trial lawyers they can get. We give them what they want.

“‘Lean and mean’ would be an apt description of how Susman Godfrey operates... That devotion to efficiency, plus its investment in talent—Susman Godfrey hires only attorneys who have clerked for federal judges or justices of the US Supreme Court—have resulted in big legal victories.” — THE NATIONAL LAW JOURNAL

CASES WE TRY

We excel at every kind of commercial litigation and represent clients on both sides of the “v.” We don’t limit our clients to plaintiffs or defendants, and we don’t limit our practice to niche areas of the law. Judges and jurors are generalists—so are we. We cut through the jargon and focus on what will win.

“As attorneys that identify first and foremost as trial lawyers, they do everything with the ultimate audience in mind—whether that be the judge or eventually a jury [...] No matter how large and complex a matter may be, they never lose sight of who it is they have to persuade in order to win.” — LAW360



PRACTICE AREAS

ANTITRUST
APPELLATE
ARBITRATION
BANKRUPTCY
BUSINESS DISPUTES
CLASS ACTIONS
COMPLEX MARITAL,
TRUST & ESTATE
DEFAMATION
ENVIRONMENTAL

INSURANCE
INTELLECTUAL PROPERTY &
TECHNOLOGY
LABOR, EMPLOYMENT,
BENEFITS, & PENSIONS
PRODUCT LIABILITY,
PROPERTY DAMAGE &
PERSONAL INJURY
REGULATORY & GOVERNMENT
AFFAIRS
SHAREHOLDER & SECURITIES



INDUSTRIES

CONSTRUCTION &
ENGINEERING
CONSUMER & RETAIL
PRODUCTS
ENERGY
ENTERTAINMENT &
MEDIA FINANCIAL
SERVICES
HEALTHCARE,
PHARMACEUTICALS,
& LIFE SCIENCES
PROFESSIONAL SERVICES
REAL ESTATE
TRANSPORTATION

WHERE WE'RE LOCATED

HOUSTON

1000 Louisiana
Suite 5100
Houston, TX 77002
(713) 651-9366

LOS ANGELES

1900 Avenue of the Stars
Suite 1400
Los Angeles, CA 90067
(310) 789-3100

NEW YORK

One Manhattan West
New York, NY 10001
(212) 336-8330

SEATTLE

401 Union Street
Suite 3000
Seattle, WA 98101
(206) 516-3880

SUSMAN GODFREY

The Susman Godfrey Difference

For over forty years, Susman Godfrey has focused its nationally recognized practice on just one thing: high-stakes commercial litigation. We are one of the nation's leading litigation boutique law firms, with offices in Houston, Los Angeles, New York and Seattle. Susman Godfrey's experiences, track record of success, and staying power are reflected in its wide recognition as the nation's preeminent trial firm, including by *The American Lawyer* in its first-ever "Litigation Boutique of the Year" competition (an award the firm won again in 2023); by being included yearly on *National Law Journal's* "America's Elite Trial Lawyers" list; and by being named as *Benchmark Litigation's* National Trial Firm of the Year in 2022 and 2023. *Vault* has likewise named Susman Godfrey its #1 Litigation Boutique in America every year since 2011.

The Will to Win

At Susman Godfrey we are stand-up trial attorneys, not discovery litigators. We approach each case as if it is headed for trial. Everything that we do is designed to prepare our attorneys to persuade a jury. When you are represented by Susman Godfrey, the opposing party will know that you are willing to take the case all the way to a verdict if necessary; this fact alone can make a good settlement possible.

Susman Godfrey has a longstanding reputation as one of the premier firms of trial lawyers in the United States. We are often brought in on the eve of trial to "rescue" troubled cases or to take the reins when the case requires trial lawyers with a proven record of courtroom success.

We also want to win because we share the risk with our clients. We prefer to work on a contingency-fee basis so that our time and efforts pay off only when we win. Our interests are aligned with our clients—we want to achieve the best-possible outcome at the lowest possible cost.

Finally, we want to win because each of our attorneys shares a commitment to your success. Each attorney at the firm—associate as well as partner—examines every proposed contingent fee case and has an equal vote on whether or not to accept it. The resulting profit or loss affects the compensation of every attorney at the firm. This model has been a tremendous success for both our attorneys and our clients.

Unique Perspective

Susman Godfrey represents both plaintiffs and defendants. We thrive on variety, flexibility, and creativity. Clients appreciate the insights that our broad experience brings. "I think that's how they keep their tools sharp," says one.

We know from experience what motivates both plaintiffs and defendants. This dual perspective informs not just our trial tactics, but also our approach to settlement negotiations and mediation presentations. We are successful in court because we understand our opponent's case as well as our own.

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An Uncommon Structure

There is no costly pyramid structure at Susman Godfrey. As a business, we are lean, mean and un-leveraged—with a two-to-one ratio between partners and associates. To counter the structural bloat of our opponents, who often have three associates for each partner, we rely on creativity and efficiency.

Susman Godfrey's experience has taught what is important at trial and what can be safely ignored. We limit document discovery and depositions to the essential. For most depositions and other case-related events we send one attorney and one attorney alone to handle the matter. After four decades of trials, we know what we need—and what is just a waste of time and money.

Unparalleled Talent

Susman Godfrey prides itself on a talent pool as deep as any firm in the country. Clerking for a judge in the federal court system is considered to be the best training for a young trial attorney, 100% of our Associates and over 95% of our Partners served in these highly sought-after clerkships after law school. Ten of our trial lawyers have clerked at the highest level—for Justices of the United States Supreme Court.

Each trial attorney at Susman Godfrey is invested in our unique model and stands ready to handle big-stakes commercial litigation.

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Antitrust Litigation

PRICE FIXING AND OTHER CONSPIRACY CLAIMS

- ***NFL Sunday Ticket Antitrust Litigation.*** Secured a historic \$4.7 billion verdict for Plaintiffs, one of the largest jury verdicts in history. SG was appointed by the Court to serve as co-lead counsel to Direct-TV subscribers in this California multidistrict class action alleging DirecTV's exclusive NFL Sunday Ticket package violates federal antitrust laws. After an argument by Susman Godfrey, the Ninth Circuit Court of Appeals issued a major decision reversing the district court's dismissal of the case which led to the ultimate trial win.
- ***In re Automotive Parts Antitrust Litigation.*** Secured, to date, over \$1.2 billion in settlements as co-lead counsel for a class of end payor plaintiffs in this complex series of antitrust cases brought against dozens of automobile suppliers who engaged in price-fixing and bid-rigging in the multi-billion-dollar automotive parts industry. This massive multi-district litigation is related to a criminal investigation which the US Department of Justice described as the largest price-fixing investigation in history. The litigation continues against the non-settling defendants.
- ***In re Libor-based Financial Instruments Antitrust Litigation.*** Secured, to date, \$781 million in settlements for plaintiffs who allege several banks were involved in setting LIBOR and manipulating it to their advantage. These settlements are each combined with breakthrough agreements with the defendant banks to cooperate with plaintiffs in the ongoing litigation.
- ***In re Animators Antitrust Litigation.*** Secured more than \$168 million in settlements for a class of animation industry employees in this antitrust action against the largest animation companies, including Disney, Pixar, Lucas Films, DreamWorks, and Sony, based on restrictions on their ability to compete against one another for talent.
- ***In re Packaged Seafood Products Antitrust Litigation.*** Represented Walmart in antitrust claims against the packaged tuna industry (Bumble Bee, Starkist, Chicken of the Sea) for conspiring to fix the prices of canned tuna products in the US. Walmart settled with all three major defendants for confidential amounts.
- ***Walmart v. Pilgrim's Pride.*** Lead counsel to Walmart in a high-profile antitrust matter against more than a dozen chicken producers, alleging that the producers conspired to control the supply and prices of broiler chicken products in the United States in violation of the Sherman Act.
- ***In re Online DVD Rental Antitrust Litigation.*** Defended Walmart in a major multi-district antitrust class action brought by subscribers of online DVD rental services who asserted claims for market allocation and monopolization of the home entertainment market.
- ***In re Vitamin C Antitrust Litigation.*** Secured a \$54.1 million jury verdict in an antitrust price-fixing class action brought on behalf of direct purchasers of vitamin C against two Chinese vitamin C manufacturers in the first-ever case in which mainland Chinese companies were successfully sued under US antitrust laws. The verdict was tripled as required by law and,

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after adjusting for \$32.5 million in settlements with other defendants, a final judgment of \$147 million was entered against the defendants. This antitrust price-fixing class action was later reviewed by the United States Supreme Court, which issued a unanimous 9-0 decision in favor of the plaintiffs. In its ruling, the Supreme Court provided clarification as to how much deference federal courts must show statements made by foreign governments regarding the application of their domestic laws.

MONOPOLIZATION CLAIMS

- ***Dial et al. v. News Corp.*** Secured a \$244 million settlement of federal monopolization claims in this class action against News Corporation and its affiliates. The media giant also agreed to change its contracting practices regarding in-store advertising. The settlement ended three years of litigation by a class of more than 600 consumer packaged goods companies who alleged News Corp. monopolized the market for in-store advertising in grocery and drug stores. Susman Godfrey was co-lead counsel for a class of businesses including lead plaintiffs H.J. Heinz Company, The Dial Corporation, Henkel Consumer Goods Inc., Smithfield Foods Inc., Foster Poultry Farms, HP Hood, and BEF Foods, Inc. In an opinion approving the settlement, the presiding judge stated that the plaintiffs “were represented by some of the finest antitrust lawyers in the nation” in this “exceptionally complex” antitrust action.
- ***SIFMA v. NASDAQ***. Won a trial before an SEC administrative law judge on behalf of NASDAQ. A consortium of big banks had challenged NASDAQ’s rule changes on pricing for market data as being anti-competitive. When it was clear the case would result in a hearing with live witnesses, NASDAQ’s General Counsel called on Susman Godfrey to take charge, and our team delivered. Despite having to wait a year for a final ruling, Susman Godfrey’s team convinced the judge to uphold NASDAQ’s rule changes and pricing decisions in every respect.
- ***Masimo v. Tyco Health Care***. Secured a winning verdict from a federal jury in Los Angeles for Masimo Corporation against Tyco Health Care Group, LP and its affiliate, Mallinckrodt, Inc. Masimo brought claims under the federal antitrust laws alleging that Tyco’s anticompetitive practices prevented Masimo from selling its competing pulse oximetry products to hospitals in the United States. After the trial court vacated the damages award and certain liability findings in its ruling on Tyco’s post-trial motions, the issue of damages was re-tried in a bench trial, and the trial court entered a judgment in Masimo’s favor for \$43.5 million, plus attorneys’ fees and costs. The Court’s judgment was affirmed on appeal to the US Court of Appeals for the Ninth Circuit, and Tyco paid the judgment.
- ***White v. NCAA***. Secured a landmark settlement and agreement as co-lead counsel in an antitrust class action on behalf of a class of current and former football and basketball players at Division I schools. The case challenged an NCAA rule limiting the amount of athletics-based financial aid member schools may provide as a violation of Section I of the Sherman Act. The NCAA agreed to make \$218 million available over five years for schools to provide additional benefits to student athletes, create a \$10 million fund to provide educational and professional benefits to former student athletes, and modify its rules.

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- ***Spanish Broadcasting Corporation v. Clear Channel Communications.*** Defended Clear Channel Communications, Inc. in a suit brought by Spanish Broadcasting Corporation, Inc. (SBS) alleging \$1.5 billion in damages from supposed anticompetitive conduct by Clear Channel and another defendant. Susman Godfrey filed a motion to dismiss the complaint in its entirety, which the Court granted with prejudice. SBS appealed to the Eleventh Circuit, which affirmed the dismissal in favor of Clear Channel.
- ***Novell v. Microsoft.*** Negotiated a \$536 settlement, including \$88 million in attorneys' fees, on behalf of Novell from Microsoft without filing a single lawsuit. The case involved antitrust claims related to Novell's NetWare products. Novell's General Counsel Joseph A. LaSala, Jr. stated, "This is a significant settlement, particularly since we were able to achieve our objectives without filing expensive litigation."
- ***Caldera v. Microsoft.*** Represented Caldera Inc. in a suit to recover hundreds of millions of dollars from Microsoft for monopolizing the market for personal computer operating systems. Our massive discovery efforts included taking the depositions of top Microsoft executives Bill Gates and Steve Ballmer. We defeated Microsoft's repeated summary judgment motions and settled the case two weeks before trial for a confidential amount that was reported by the Wall Street Journal as \$275 million.

ANTITRUST CLASS ACTIONS – LEAD COUNSEL APPOINTMENTS

- ***In re Qualcomm Antitrust Litigation (N.D. Cal.)*** Appointed by the Court as co-lead counsel in this multi-district litigation on behalf of purchasers impacted by Qualcomm's anti-competitive conduct. Denying Qualcomm's motion to dismiss, the Court granted class certification in a 66-page order finding "substantial," "strong," and "compelling" evidence to support the certification. The certification order is currently subject to an interlocutory appeal in the Ninth Circuit. With damages topping \$5 billion, Qualcomm has called it "the largest class action in history."
- ***In re Automotive Parts Antitrust Litigation (E.D. Mich.)*** Secured, to date, over \$1.2 billion in settlements to date as Court-appointed co-lead counsel for a class of end payor plaintiffs in this complex series of antitrust cases brought against dozens of automobile suppliers who engaged in price-fixing and bid-rigging in the multi-billion-dollar automotive parts industry.
- ***In re Libor-based Financial Instruments Antitrust Litigation (S.D.N.Y.)*** Secured, to date, \$781 million in settlements for plaintiffs who allege several banks were involved in setting LIBOR and manipulating it to their advantage as Court-appointed co-lead class counsel.
- ***In re Dental Supplies Antitrust Litigation (E.D.N.Y.)*** Appointed co-lead counsel for the plaintiffs in a nationwide antitrust class action against the largest distributors of dental supplies and equipment. Plaintiffs alleged that the defendants had illegally agreed not to compete on prices for products sold to dental offices and laboratories. In 2018, a settlement was reached for \$80 million.
- ***In re National Football League's "Sunday Ticket" Antitrust Litigation (C.D. Cal.)*** Appointed by the Court to serve as co-lead counsel to Direct-TV subscribers in a California multidistrict class action alleging DirecTV's exclusive NFL Sunday Ticket package violates federal antitrust laws. After an

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argument by Susman Godfrey, the Ninth Circuit Court of Appeals issued a major decision reversing the district court's dismissal of the case.

- ***In re Animators Antitrust Litigation (N.D. Cal.)*** As Court-appointed co-lead counsel, secured more than \$168 million in settlements for a class of animation industry employees in this antitrust action against the largest animation companies, including Disney, Pixar, Lucas Films, DreamWorks, and Sony, based on restrictions on their ability to compete against one another for talent.
- ***In re Korean Air Lines Antitrust Litigation (C.D. Cal.)*** As Court-appointed co-lead counsel, secured \$86 million in settlements in this antitrust litigation involving more than 70 class action cases brought on behalf of airline passengers who alleged that between 2000 and 2007, Korean Air Lines and Asiana Airlines conspired to fix the price of air travel between the United States and the Republic of Korea.
- ***In re NYC Bus Tour Antitrust Litigation (S.D.N.Y.)*** As Court-appointed lead counsel, secured a \$19 million cash settlement for customers of two New York City tour bus companies, Coach USA Inc. and City Sights LLC, and their joint venture, Twin America LLC.
- ***In re Vitamin C Antitrust Litigation (E.D.N.Y.)*** As lead counsel, secured a \$54.1 million jury verdict in an antitrust price-fixing class action brought on behalf of direct purchasers of vitamin C against two Chinese vitamin C manufacturers in the first-ever case in which mainland Chinese companies were successfully sued under US antitrust law. The verdict was tripled as required by law and, after adjusting for \$32.5 million in settlements with other defendants, a final judgment of \$147 million was entered against the defendants. This antitrust price-fixing class action was later reviewed by the United States Supreme Court, which issued a unanimous 9-0 decision in favor of the plaintiffs.
- ***Behrend et al. v. Comcast (Supreme Court)*** Represented a class of 800,000 Comcast cable subscribers who alleged that between 2003 and 2008, Comcast and other cable companies entered into subscriber swaps and acquisitions that deterred over-builder competition and enabled Comcast to raise prices to supra-competitive levels, in violation of sections 1 and 2 of the Sherman Act. The parties settled for \$50 million after remand of the case from the Supreme Court.
- ***White v. NCAA (C.D. Cal.)*** Served as co-lead counsel in an antitrust class action alleging that the NCAA violated the federal antitrust laws by restricting amounts of athletic based financial aid. The NCAA settled and paid, in addition to fees and expenses, \$218 million for use by current student-athletes to cover the costs of attending college and paid \$10 million to cover educational and professional development expenses for former student-athletes.

SUSMAN GODFREY**Bill Carmody****PARTNER**

Bet Your Business Litigation pg. 2

Selected Case Briefs pg. 4

Trial References pg. 7

With the trial of a generation captivating the nation, ABC News needed an authority on the psychology of juries. Millions of viewers were following the O. J. Simpson murder trial, and ABC wanted to show America how jurors really decide cases. It tracked down a heralded Texas trial lawyer known for his use of mock trials, Bill Carmody, who was busy preparing a long-shot case for a fired employee of a large steel company. ABC filmed Bill's presentation of the evidence to the mock jurors as well as their deliberations. The network used the footage...and so did Bill. He played ABC's tape of the mock jury's deliberations at an eleventh hour mediation session – and his client walked away with a substantial settlement.



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fax: 212-336-8340

Admitted in New York and Texas

EDUCATION:United States Merchant Marine Academy
Kings Point, N.Y. (B.S. 1981)The University of Tulsa College of Law
(J.D. with honors, 1988), Order of the
Curule Chair, TULSA LAW JOURNALHall of Fame Inductee, The University of
Tulsa College of Law

Distinguished Alumni, The University of Tulsa

Trial Lawyers College (2000)

In the decades since, Bill Carmody's reputation has only grown. Today he is a nationally recognized trial lawyer who tries bet-the-company cases for plaintiffs and defendants in state and federal courts throughout the country. He is a permanent member of Susman Godfrey's Executive Committee and heads its New York office. Carmody is best known for stepping into big high-stakes trials shortly before they are set to begin and getting paid on his results. He's described as a storyteller with a "preternatural ability" to connect with juries – and "someone whose core skill set is persuading a lay jury in a complex business case." [Click for press coverage.](#)

RECENT WORK

- In what's been described as the "tech trial of the century" – the epic clash over self-driving car technology that pitted Google/Waymo against Uber – Bill stepped in shortly before trial to defend Uber. Although Waymo sought damages of almost \$2 billion, Bill and his team got all of Waymo's experts' damages opinions struck. After Bill's public and private opening statements and the presentation of four days of evidence to a federal jury in San Francisco, this high-profile case ended in a favorable settlement. *Benchmark Litigation* awarded Bill and his team the National Impact Case of the Year for their work. [Click for press coverage.](#)



Uber attorney Bill Carmody (R) and Waymo attorney Charles Verhoeven (L) at the Phillip Burton Federal Building after the trial ended in San Francisco. (Getty Images)

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- In one of the largest individual claims to be litigated this century, WeWork founder Adam Neumann turned to Bill Carmody as part of a multi-firm trial team after SoftBank withdrew its offer to buy up to \$3 billion in WeWork stock from Mr. Neumann and other shareholders. The litigation was placed on an expedited schedule in the Delaware Chancery Court. Days before trial was set to begin, the case settled as reported by *The New York Times* and media outlets throughout the world. [Click for press coverage.](#)
- For General Electric, Bill successfully tried a contract case before a jury in the Southern District of New York, leading to a judgment in favor of GE worth more than \$160 million. [Click for press coverage.](#)
- On behalf of a pharmaceutical industry whistleblower, Bill and his team prosecuted novel anti-kickback claims in the *Novartis* qui tam litigation that resulted in total settlements of \$465 million – which for a case of its kind is the largest recovery ever. [Click for press coverage.](#)
- The City of Baltimore – whose citizens are more likely to die of an opioid overdose than those of nearly any other city in the country – retained Bill and recently filed suit to hold opioid manufacturers and distributors responsible for the harm they've done to the city. [Click for press coverage.](#)
- On behalf of some of California's largest political subdivisions that claimed to be overcharged by the "Big 3" wireless carriers, Bill and his team recently secured settlements totaling \$175 million. [Click for press coverage.](#)
- As co-lead counsel in the nationwide LIBOR antitrust litigation, for Yale University and a class of purchasers of LIBOR-based instruments, Bill and his team have led a fight through the United States Supreme Court to overcome Defendants' motions to dismiss Plaintiffs' price-fixing claims, certify a national litigation class, and secure settlements so far with a number of Defendants for \$781 million. [Click for press coverage.](#)
- Bill and his team won a summary judgment that was upheld on appeal in late 2017 by the New Jersey Supreme Court for Dan Loeb and his hedge fund Third Point in the *Fairfax* litigation, where plaintiffs sought damages of \$8 billion. [Click for press coverage.](#)
- In May 2023 Carmody led a Susman Godfrey team that secured a \$203 million award on behalf of New York hedge fund legend, Louis Bacon, in his highly publicized defamation lawsuit against Canadian fashion magnate Peter Nygård. This is believed to be the largest defamation award in New York State history.

BET YOUR BUSINESS LITIGATION

Whether representing plaintiffs or defendants, Bill puts his money where his mouth is by betting on his ability to win for his clients. A pioneer in structuring success-based fee deals, he aligns his interests with those of his clients by making his fees dependent on the success he earns – and not on hours billed. [Click for press coverage.](#) It's a creative approach to billing in a profession that doesn't often stray outside the box.



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That's never been a problem for Bill, whose bold and creative trial tactics have earned the respect of his peers, the media, and legal educators. He has been elected to Law360's esteemed Trials Editorial Advisory Board in 2019, '20 and '21. Carmody previously taught Trial Advocacy at Southern Methodist University School of Law, and served on the law school's Executive Board. Currently, he serves on the Board of Trustees of The University of Tulsa. He is also a member of the American Board of Trial Advocates, a fellow of the Litigation Counsel of America, and a fellow of the American Bar Foundation.

Carmody's ranked in the [Chambers USA Guide](#) to America's Leading Lawyers in three departments, including its ranking of Nationwide Trial Lawyers and General Commercial Litigation in New York. According to Chambers:

"Clients call on Bill for big high-stakes matters. He's the real deal."

"Bill Carmody is on every client's shortlist if there is a case to try... A leader, strategist and negotiator. If you want to win, you want Bill on your side."

"He is a natural leader who has tremendous credibility with judges and juries."

Clients praise Carmody as a "born trial lawyer," and highly rate his ability to "swoop into a complicated case, master it, and try it ... He can turn complex legal matters into a telling story, and he then finds stories that resonate with the jury."

"He's a force of nature: a strategic thinker, a problem solver and hired-gun trial lawyer extraordinaire."

He is routinely included in Benchmark's Top 100 Trial Lawyers. According to Benchmark, Carmody is a "universally recognized and nationally hired" trial lawyer, and here is how his peers describe him:

"When you hire him, your metric should not just be 'How much do I want to win?' but more 'How much can I afford to lose?' If the answer is 'I can't,' you should hire Bill."

"Of all the lawyers I've worked with in all my years, this guy [Carmody] was the best in every respect. As a trial lawyer he could do it all. He's based in New York now but stylistically was absolutely 'Texas hot!' He is just in another league."

Carmody is listed in *The Best Lawyers in America* in seven categories, including Bet-the-Company Litigation. Bill has been named to the *National Law Journal's* lists of Elite Trial Lawyers and Plaintiffs' Attorney Trailblazers. He is also listed in *Who's Who Legal* in Commercial Litigation. His peers have voted him both a "New York Super Lawyer" and a "Texas Super Lawyer", and he's listed in *The Legal 500*, in addition to being selected among America's Top 100 High Stakes Litigators by *America's Top 100*. Carmody was honored by [Law360](#) as one of its 10 Titans of the Plaintiffs Bar. He is also perennially listed in the *Lawdragon 500*, the guide to America's leading 500 lawyers. *Lawdragon* also lauded him as one of its 41 [Legal Legends](#) and inducted him into its [Hall of Fame](#).

Carmody was a top three finalist in 2018 for the *New York Law Journal's* [Attorney of the Year](#). In 2019 *Lawdragon* selected Bill as one of its [Leading Plaintiff Financial Lawyers](#) and *The National Law Journal* selected him as one of its [Masters of the Courtroom](#) - Winning Litigators. In 2021, '22, and '23, *Benchmark* placed Bill on its shortlist – of five to six lawyers – for National Trial Lawyer of the Year.

Carmody appears frequently in national and international media, and his trials have been featured in

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hundreds of publications, including *The New York Times*, *The Wall Street Journal*, *The Washington Post*, *The Financial Times*, the *San Francisco Chronicle*, *Business Week*, *Bloomberg*, *The National Law Journal*, *Texas Lawyer*, and *The American Lawyer*. He has been profiled by [Lawdragon](#) in its “Producers” series, by [Law 360](#) for its “Trial Pro” series, and by [Forbes](#). While his trial tactics and betting on his clients’ results have received widespread acclaim, most important to Bill and his clients are the victories earned in the courtroom – and following are just a few.

SELECTED CASE BRIEFS

Dare To Be Different

“I’ve dealt with lots of trial lawyers and, by far, Bill Carmody is the best I’ve ever seen.”

In a huge defense victory, Bill orchestrated events outside the lawsuit to defeat a local hero in his hometown court. Carmody’s client, a Dallas investment brokerage, got sued for over \$50 million. businessman who had sued Bill’s client in his “small pond,” the little town of Rockport, Texas.

The case stood second on the trial docket. If the first case went as set, Carmody’s case would be bumped for months. A postponement could have cost the brokerage an advantage it had gained during discovery: Although Bill had deposed all of the opponent’s experts, he had shielded his client’s key expert from deposition. So, the opposition was ill prepared for the expert’s trial testimony. If the case was reset, the opposition would be able to depose the expert and erase their disadvantage.

To prevent this, Bill took the unprecedented step of brokering a deal in which his client funded a \$180,000 settlement of the first case on the docket. This enabled Carmody’s case to be tried while his client still had the edge. Bill did go to trial and won a resounding take-nothing judgment – and jury debriefing confirmed the deciding role of the key expert’s testimony. Bill’s client also won a counterclaim of almost \$700,000.

Despite the plaintiff’s vigorous attempts to overturn the take-nothing judgment, this remarkable victory withstood appellate scrutiny; it was affirmed by both the Corpus Christi Court of Appeals and the Texas Supreme Court. Wowed with Carmody’s results throughout the trial and appellate process, the company’s CEO remarked: “I’ve dealt with lots of trial lawyers and, by far, Bill Carmody is the best I’ve ever seen.” *Bill Woodruff, CEO, Wm. K. Woodruff and Co., Dallas, Texas.*



For media coverage of the brokered settlement, see *National Law Journal*, February 2, 1998, “Two Texas Litigators Leapfrog to Trial Win.”

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David Beats Goliath

By uncovering evidence of commercial fraud, Bill helped a small contractor conquer a multi-national conglomerate. This “David v. Goliath” scenario pitted Carmody’s plaintiff client against one of the world’s largest oil companies. The case centered around the defendant’s refusal to pay for refinery construction work performed by the plaintiff in El Paso. But Bill capitalized on then-favorable venue rules to hold the case more than 800 miles away, in Beaumont – where the oil company had recently laid off hundreds of workers.

“Any firm can supply lots of bodies. I’d rather have just one brain like Bill Carmody’s.”

The case was originally viewed only as a million-dollar breach of contract claim; however, Carmody identified a wholly different type of claim that his client’s previous lawyers had missed. It capitalized on the oil company’s most vulnerable conduct – its reckless disregard for worker safety. The argument was novel: The defendant’s false assurances of safe working conditions inside crude oil towers constituted fraudulent misrepresentations. While the damages of the workers who suffered illnesses were obvious, much less



obvious was his client’s fraud damages, in the form of increased workers compensation premiums. After an arduous 2-month trial – featuring a paperless, multi-media presentation, complete with an in-court full-size model of a quarter section of a crude oil tower – the jury found that the oil company committed fraud and awarded Bill’s client over \$61 million.

To cash in on this big verdict, Bill quickly negotiated a substantial confidential settlement on behalf of his client. The client’s reaction to this happy ending? “Any firm can supply lots of bodies. I’d rather have just one brain like Bill Carmody’s.”
Jerry Strickland, CEO, AltairStrickland, Inc., Houston, Texas.

See, *National Law Journal*, February 10, 1997, “The Big Numbers of 1996” and *Dallas Business Journal*, January 17-23, 1997, “Carmody Firm May be Tiny, but Judgment was Mighty.”

SUSMAN GODFREY

Eleventh Hour Save

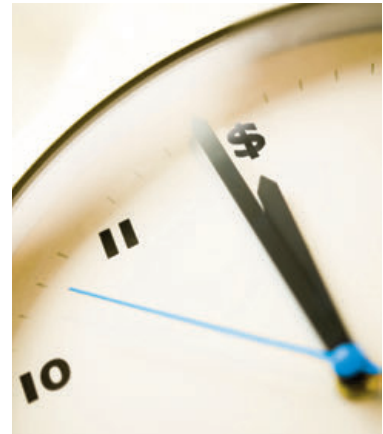
“It’s never too late to bring in Bill Carmody.”

In a perfect world, a lawyer would always have unlimited time and resources to prepare for trial. But the world is not perfect and, often, time is not on your side. In a case where he suited up for the defense, Carmody demonstrated the experience and guts required to take over and win big at the eleventh hour.

The case arose when a life insurance company was sued in a class action case by 25,000 of its policyholders. The plaintiff class alleged that the insurer had breached the terms of its policies, causing the plaintiffs to be overcharged for their insurance. The class sought \$108 million in damages. In this bet-your-company case, a loss could have wiped out the company’s net worth – and forced a shutdown.

The case had been pending for five years, as the insurance company was represented by a large, full-service law firm. But with the make-or-break trial looming, the insurance company decided it needed a proven trial lawyer – someone who made his reputation in the courtroom.

So, just 6 days before trial, the insurer asked Carmody to try the case. Carmody quickly learned the case cold, devised the trial strategy, and presented the case during an eight-day jury trial. The jury promptly and unanimously delivered a complete defense verdict – and the case was dismissed. Given a new lease on life, the company heaved a sigh of relief and its General Counsel praised Carmody’s command: “Just six days before trial, most lawyers would have refused to take the case. But Bill Carmody thought of, and seized upon, every tactical advantage. Bill was a clutch performer winning us an incredible trial victory.” *Bryan R. Newcombe, General Counsel, Legal & General America, Inc., Rockville, Maryland.*



See, *The American Lawyer*, Sept. 2007, Big Suits, “Beller et al. v. William Penn.”

SUSMAN GODFREY**TRIAL REFERENCES**

It's one thing just to read about the way Bill Carmody tries a case. But the best proof of his unique approach comes from talking to people who have actually seen Carmody at work. The following people are clients who have hired Carmody to represent them, lawyers who tried a case with or against him, and judges who presided over one of Carmody's trials.

Clients

Brad Berenson General Counsel **TPG** San Francisco, CA 415-743-6363
Richard Heyman CEO **Seragon Pharmaceuticals** San Diego, CA 858-735-4581
Avi Katz Pres./Gen. Counsel **Loral Space & Communications** New York, NY 212-697-1105
Chris Moore General Counsel **Angelo Gordon** New York, NY 212-962-2009
Robert Mnuchin CEO **Mnuchin Gallery** New York, NY 212-861-6269
Bryan Newcombe Gen. Counsel **Legal & General America** Rockville, MD 301-294-6968
Josh Targoff General Counsel **Third Point LLC** New York, NY 212-715-3403

Co-counsel

Daryl Barger **Hartline, Dacus, Barger, Dreyer & Kern** Corpus Christi, TX 361-866-8009
Mike Carlinsky **Quinn Emanuel** New York, NY 212-849-7000
Nancy Chung **Sidley** New York, NY 212-839-6070
Matthew Dontzin **Dontzin, Nagy & Fleissig** New York, NY 212-717-2900
Gordon Shapiro **Jackson Walker** Dallas, Texas 214-953-6059
Johnny Ward **Ward & Smith** Longview, Texas 903-935-3868

Opposing Counsel

Trent Bausch **Cline Williams** Omaha, Nebraska 402-397-1700
David Beck **Beck, Redden & Secrest** Houston, Texas 713-951-3700
Josh Dubin **Dubin Law** New York, New York 212-219-1469
Barry McNeil **Haynes and Boone** Dallas, Texas 214-651-5000
Daniel Slifkin **Cravath, Swaine & Moore** New York, New York 212-474-1404
Orin Synder **Gibson Dunn** New York, New York 212-351-2400
Jeffrey Tillotson **Tillotson Law Firm** Dallas, Texas 214-382-3040
Charles Verhoeven **Quinn Emanuel** San Francisco, California 415-875-6600

Judges

Hon. William Alsup U.S. District Court San Francisco, California 415-522-2020
Hon. David Godbey U.S. District Court Dallas, Texas 214-753-2700
Hon. Marilyn Huff U.S. District Court San Diego, California 619-557-6016
Hon. William J. Monahan Santa Clara Superior Court San Jose, CA 408-882-2270
Hon. Lorna G. Schofield U.S. District Court New York, New York 212-805-0288
Hon. Ira Warshawsky Supreme Court, Comm. Div. Nassau Co., New York 516-571-3351

†Bill has been listed in Lawdragon 500 (Lawdragon Lawyer Profiles and Legal News) since its inception in 2003. Super Lawyers are published in Law & Politics Magazine by Thomson Reuters. Bill was a Texas Super Lawyer from 2003 to 2006 and a New York Super Lawyer from 2008 through 2018. Bill has been listed in The Best Lawyers in America (published by Woodward White Inc.) since 2004.

*Attorney advertising **Prior results do not guarantee similar future outcomes ***Internet mail is not fully secure or private. Therefore, please do not transmit confidential information via Internet mail. Transmission of information is not intended to and does not create an attorney-client relationship. Please do not assume that your communications sent using Internet mail are privileged or confidential. Please do not send Susman Godfrey any confidential information via the Internet without previously consulting one of our attorneys. **** Nothing on this web page is intended to represent that Susman Godfrey currently represents any particular clients mentioned because matters and client relationships naturally terminate from time to time. Copyright © 2018 SUSMAN GODFREY L. L. P. Attorneys at Law. All rights reserved. Unless otherwise noted in website - Not certified by Texas Board of Legal Specialization.



Shawn J. Rabin

Partner

New York

(212) 336-8330

srabin@susmangodfrey.com

Overview

Shawn Rabin, a Susman Godfrey Partner and member of the firm's Executive Committee, is a go-to trial lawyer for high-stakes litigation. Described by one client as "highly strategic and always looking out for his clients' best interests," (Chambers USA 2022), Rabin personally handles all aspects of his cases, from evaluating claims before a complaint is filed to selecting juries and seeing cases through to verdict. Having tried cases all across America—from San Francisco to San Juan—Rabin's creativity and strategic thinking give his clients the extra margin necessary for victory.

In recognition of his success, *Chambers USA* has repeatedly selected Rabin as part of their Leading Practitioner in New York: Litigation General Commercial rankings.

“

“His trial work is extraordinary, just exhilaratingly brilliant to watch during trial.”

As quoted in Chambers USA 2022 rankings

“

“Shawn Rabin is ‘among the very best litigators I work with He’s extremely hard-working, very responsive and a very reliable partner.”

As quoted in Chambers USA 2020 rankings

“

“We’d be lost without Shawn.”

As quoted in Chambers USA 2021 rankings

Rabin is continually recognized by the legal community for his litigation savvy:

SUSMAN GODFREY

- **Chambers USA** included Rabin in their 2020, 2021, 2022 and 2023 exclusive rankings of Leading General Commercial Litigators in New York.
- **Lawdragon** included Rabin on the Lawdragon 500 List of the Country's Leading Lawyers in 2019, 2020, 2021, 2022, 2023, and 2024 ranked him as a Leading Plaintiff Financial Lawyer in 2019, 2020, 2021, 2022, 2023, and 2024 and named him among its 500 Leading Litigators in 2022 and 2023.
- The **National Law Journal** named Rabin a Trailblazer for Plaintiff-side Litigation in 2022 and 2018 and Employment Litigation in 2020 (ALM).
- **The Best Lawyers in America**® recognized Rabin as a Top Commercial Litigation Lawyer in New York for Commercial Litigation in 2019, 2020 and 2021. (Woodward White Inc.).
- **Super Lawyers** recognized Rabin as a Super Lawyer in New York from 2019 to 2023 and previously ranked him as a Rising Star every year from 2007 to 2018 (Thomson Reuters).

And the most unique of his honors, after winning a major trial victory in the state of Kentucky, the Governor of Kentucky appointed Rabin to the Honorable Order of Kentucky Colonels and bestowed upon him the title of "Colonel Shawn Rabin."

In addition to his litigation work, Rabin is frequently sought out by leading publications to opine on and write about today's hottest legal topics. Most recently, he penned an article for *Bloomberg News* called, Litigation Funding Success Breeds New Set of Ethical Issues, where he discussed the rising popularity of litigation funding and offered a proposed solution to some of its pitfalls.

Rabin has a proven track record of success. This includes:

- Representing WeWork founder Adam Neumann against SoftBank after SoftBank withdrew its offer to buy up to \$3 billion in WeWork stock from Mr. Neumann and other shareholders. This lawsuit represents one of the largest individual claims to be litigated this century. The litigation was placed on an expedited schedule in the Delaware Chancery Court. A week before trial, the case settled as reported by media outlets throughout the world. The *New York Times*' coverage of the lawsuit can be accessed here and here.
- Representing Uber in the nationally covered trial that pitted Google's Waymo against Uber. Just a few months before trial, Rabin and his partner Bill Carmody were hired to represent Uber in a theft of trade secret case that the media called the "Tech Trial of the Century." Although Waymo sought damages of almost \$2 billion, Rabin and his team got all of Waymo's experts' damages opinions struck. The case settled two trial days before Rabin's cross-examination of the star witness Anthony Levandowski.

SUSMAN GODFREY

- Winning a federal jury trial in the Southern District of New York for client General Electric in a breach of contract dispute with the Nebraska Investment Finance Authority over how many years an investment contract required GE to pay interest. After deliberating for two hours, the jury returned a verdict in favor of Rabin's client valued at over \$160 million.
- Winning a federal bench trial in the District of Puerto Rico while representing the world's largest retailer, who was challenging a local tax as violating the Dormant Commerce Clause and the Equal Protection Clause. The federal district judge agreed with Rabin, striking down the statute in a decision that was front-page news across the country. The U.S. Court of Appeals for the 1st Circuit—where Rabin coincidentally served as a law clerk over a decade earlier—unanimously affirmed.
- Strategically defeating several class actions on a motion to dismiss — Rabin was lead trial counsel for Trover Solutions in several class actions filed across the country relating to insurance subrogation. Rabin developed an approach to get the cases dismissed by knocking out the named plaintiff's claims before class certification. Several of the cases were then appealed and the U.S. Court of Appeals for the 3rd Circuit where they were unanimously affirmed.
- Arguing an appeal to an en banc panel of the Delaware Supreme Court — Rabin was hired to argue and draft the appellate brief on behalf of the former stockholders of Harmonix Music Systems against Viacom in an appeal involving Viacom's acquisition of Harmonix and the Guitar Hero and Rock Band video games. The Delaware Supreme Court affirmed the lower-court judgment.
- Representing Jerry Moyes against the National Hockey League in his legal battle involving the Phoenix Coyotes — Rabin secured a ruling significantly reducing the \$140,000,000 in potential damages sought by the National Hockey League against Jerry Moyes and his family stemming from their ownership of the Phoenix Coyotes hockey team.
- Representing The Rawlings Company in a high stakes jury trial where, after presenting three-weeks of evidence to a jury in Oldham County, Kentucky, Rabin helped secure a complete defense victory in what was one of the first wage-and-hour class actions to go to trial in Kentucky.

“

“He is just technically exceptional, strategically impressive, and has the right temperament for dispute.”

As quoted in Chambers USA 2023 rankings

*Notable
Representations*

susmangodfrey.com

Representative Cases

SUSMAN GODFREY

- In 2020, Rabin was hired by WeWork founder Adam Neumann to serve as counsel for one of the largest individual claims to be litigated this century as part of a multi-firm trial team after SoftBank withdrew its offer to buy up to \$3 billion in WeWork stock from Mr. Neumann and other shareholders. The litigation was placed on an expedited schedule in the Delaware Chancery Court. In 2021, a week before trial was set, the case settled as reported by media outlets throughout the world. The *New York Times*' coverage of the lawsuit can be accessed [here](#) and [here](#).
- In 2018, Rabin and his partner Bill Carmody were hired months before trial to represent Uber in its legal battle against Google/Waymo. Although Waymo sought damages of almost \$2 billion, Rabin and his team got all of Waymo's experts' damages opinions struck. The case, being litigated before a federal jury in San Francisco, settled two trial days before Rabin's cross-examination of the star witness Anthony Levandowski.
- In 2017, Rabin successfully tried a contract case before a jury in the Southern District of New York on behalf of General Electric. Rabin handled the direct examination of the liability experts and cross-examined the defendants' main fact witness. The jury returned a verdict in favor of GE valued at more than \$160 million.
- In 2016, Rabin became one of the few lawyers to win a constitutional challenge to a tax statute. As counsel to a major retailer, Rabin and his partners tried a case in San Juan, Puerto Rico, challenging a tax as violating the Dormant Commerce Clause and the Equal Protection Clause. After a week-long bench trial, the trial judge agreed and struck down the statute in a decision that was front-page news across the country. The First Circuit Court of Appeals later affirmed the decision.
- In 2015, Rabin and his partners were hired by GE Mortgage Holdings as trial counsel for a case that had been pending for many years. The plaintiffs claimed they were owed almost \$1 billion in damages. Rabin and Susman Godfrey were hired months before trial and quickly learned the case, developed a strategy for how to win at trial, and filed key pre-trial motions that decimated the plaintiffs' case. After winning the most important pre-trial motions, Rabin's client settled for a confidential sum a week before trial.
- In 2015, Rabin was the lead lawyer for Trover Solutions in a putative class action filed in the United States District Court for the Eastern District of Pennsylvania. Rather than fight the class allegations, Rabin developed a strategy that successfully knocked out the named plaintiff's claim before class certification. The case was then appealed to the Third Circuit where Rabin's client once again prevailed. See *Mallon v. Trover Solutions Inc.*, No. 14-3189 (3rd Cir. 2015).
- In 2014, Rabin was the lead lawyer for Dental One Partners, one of the nation's largest dental service management organizations in the country. Dental One was involved in a complex, multi-party dispute in North Carolina relating to whether certain conduct could be classified as the

practice of dentistry. Recognizing that the best solution was not cut-throat litigation, Rabin organized all of the plaintiff and defendant lawyers so that all sides could develop a winning solution outside of the courtroom. After months of negotiation, a resolution was reached without taking a single deposition.

- In 2013, Rabin was hired to argue and draft the appellate brief for a case pending before an en banc panel of the Delaware Supreme Court. Rabin represented the former stockholders of Harmonix Music Systems against Viacom in an appeal involving Viacom's acquisition of Harmonix and the Guitar Hero and Rock Band video games. The Delaware Supreme Court affirmed the lower-court judgment in a published opinion that can be accessed here: *Winshall v. Viacom Intern. Inc.*, 76 A.3d 808 (Del. 2013) (en banc).
- In 2013, Rabin helped secure a ruling significantly reducing the potential damages sought by the National Hockey League against Rabin's client. In that case, the NHL sued Jerry Moyes and his family stemming from their ownership of the Phoenix Coyotes hockey team and sought more than \$140,000,000 in damages. The case was originally filed in New York state court. Rabin devised a successful plan to have the case removed from New York state court to New York federal court to Arizona federal court and then to an Arizona Bankruptcy court. After successfully moving the case back to Arizona, Rabin took and defended the key depositions in the case and then successfully moved for summary judgment eliminating most of the NHL's claims. An article discussing the decision can be accessed here.
- In 2012, Rabin was hired by a world-renowned surgeon to represent him in cases pending in federal court and arbitration against a medical device manufacturer. As lead trial counsel, Rabin formulated the trial strategy, took and defended the key depositions, and handled most of the direct and cross-examinations at trial. The lawsuits resulted in a confidential settlement after trial.
- In 2012, Rabin was hired by a widow to defend a multi-million dollar will contest that was filed by the deceased husband's children. After taking key depositions, winning several rulings before the Probate Court, and devising a strategy to prove the deceased had the proper mental capacity to execute his will, Rabin was able to position the case for a confidential settlement before trial.
- In 2012, Rabin was hired by Trover Solutions to defend a putative class action filed against it and several insurance companies in federal court in the Southern District of New York. The case involved whether New York law prohibited placing liens on personal injury or wrongful death settlements. After extensive briefing and argument, Judge Patterson dismissed all of the Plaintiffs' claims resulting in a total victory for Rabin's client. The published decision can be accessed here: *Meek-Horton v. Trover Solutions, Inc.*, 915 F.Supp.2d 486 (S.D.N.Y. 2013).

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- In 2011, Rabin won a defense verdict on behalf of The Rawlings Company in a class action challenging the company's classification of its employees as exempt from the overtime laws. During the three-week jury trial in Kentucky state court, Rabin picked the jury, handled the direct examinations of many of the company's witnesses—including the company's top executive—and cross-examined Plaintiffs' witnesses. This complete victory for Rabin's client was achieved in one of the first wage and hour class actions to go to trial in Kentucky. The verdict was featured in the [American Lawyer](#) [here](#) and [Law360](#) [here](#).
- In 2010, Shawn Rabin was hired by a family to represent them in a shareholder oppression case. Rabin engineered a strategy that placed the family in the best litigation position without harming the company in which they owned substantial shares. Rabin's outside-the-box approach led to an arbitration and then a confidential settlement.
- In 2009, Shawn Rabin represented an international company against a subsidiary of a large New York bank in a contract dispute regarding the failed purchase of a company. Rabin briefed the crucial motion to dismiss and handled preparing the case for expedited discovery and trial. Shortly after Rabin filed the response to the Motion to Dismiss, the defendants chose to settle the case—a substantial victory for Rabin's client.
- In 2008, Shawn Rabin tried a patent infringement case before the Honorable Judge T. John Ward and a jury in the Eastern District of Texas for their client C2 Communications. The case involved whether the nation's largest telecommunication carriers infringed a voice over internet protocol (VoIP) patent. The case settled after the third day of trial, following the close of C2's case-in-chief and Rabin's direct examination of the patent's owner and C2's damages expert.
- In 2008, Bill Carmody and Shawn Rabin settled a lawsuit involving a horrific drunk driving collision. In 2005, a drunk driver struck a hotel van transporting a family to the airport. A young girl was killed and members of the family were severely injured. Rabin performed an extensive investigation before filing suit to determine exactly how and where the drunk driver became intoxicated. This pre-complaint investigation resulted in confidential settlements with some of the wrong-doers. Rabin then filed a complaint against the two bars where the drunk driver had consumed alcohol. All of the defendants chose to settle after Rabin took damaging depositions of the key witnesses. The value of these significant settlements are confidential.
- In 2008, Brian Melton and Shawn Rabin represented a defendant against claims that it wrongfully terminated its former CEO. After several rounds of discovery and several victories before the trial court judge, the opposing party agreed to settle the case for a minimal amount.
- In 2007, Shawn Rabin spent almost one-quarter of the year in trial defending a large company against a wage and hour class action. Rabin performed the direct and cross examination of more than a dozen fact and

expert witnesses. A description of Rabin's cross-examination of the first trial witness was published by news services across the world.

- In 2005 and 2006, Shawn Rabin represented a Fortune 100 company in a highly confidential accounting dispute against a major accounting firm. The allegations in the case included breach of fiduciary duty, breach of contract, and accounting malpractice. Before filing a lawsuit, both parties agreed to brief the issues before a former Texas Supreme Court Justice. Rabin took the lead for Susman Godfrey's client and, after several months of negotiation, the parties reached a favorable settlement.
- In 2004, Shawn Rabin achieved a key victory in a case representing a class of residential and business customers against the major telecommunications companies, including Sprint and AT&T by writing the winning briefs in an appeal before the United States Court of Appeals for the Tenth Circuit. The claims against AT&T eventually proceeded to a jury trial in which Susman Godfrey successfully obtained a favorable jury verdict (news article can be accessed [here](#)).

Honors & Distinctions

- Leading Practitioner in New York: Litigation: General Commercial, Chambers USA (2020-2024)
- *Lawdragon* 500 Leading Litigator ([2022](#), [2023](#))
- Litigation Star, Benchmark Litigation ([2023](#), Euromoney)
- Plaintiffs' Lawyers Trailblazers, *National Law Journal* ([2022](#), [2018](#), ALM)
- Employment Law Trailblazer, National Law Journal (2020, ALM).
- *Lawdragon*, 500 Leading Lawyers ([2023](#), [2022](#), [2021](#), [2020](#), [2019](#))
- *Lawdragon*, 500 Leading Plaintiff Financial Lawyers ([2024](#), [2023](#), [2022](#), [2021](#), [2020](#), [2019](#))
- Impact Case of the Year Award, Benchmark Litigation (2019)
- Recommended Litigator – New York for Commercial Litigation, *U.S. News – The Best Lawyers in America®* ([2021](#) [2020](#), [2019](#), Woodward White Inc.)
- 40 and Under Hot List, *Benchmark Litigation* ([2018](#), [2017](#), Legal Media Group)
- *New York Super Lawyer* – an honor awarded to the top 5% of lawyers in the New York Metro area ([2019](#) – [2023](#) Thomson Reuters)
- New York Rising Star, *Super Lawyers – an honor awarded to the top 2.5% of lawyers in the New York Metro area* (2007 – 2018, Thomson Reuters)
- Fellow, Texas Bar Foundation.

- In 2011, the Governor of Kentucky appointed Shawn Rabin to the Honorable Order of Kentucky Colonels and bestowed upon him the title of "Colonel Shawn Rabin."

Clerkships

Clerked for the Honorable Juan R. Torruella, United States Court of Appeals for the First Circuit

Education

The University of Texas School of Law (J.D.,)

- Distinctions of Chancellor and Order of the Coif
- Associate Editor of the *Texas Law Review*

Georgetown University (B.A., International Politics and Security, with Honors)

- School of Foreign Service
- Dean's Citation given to a graduate who displays high academic achievement and service to the community

(,)

Admissions

Bar Admissions

- Texas
 - New York
-

Court Admissions

- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Western District of Texas

Leadership & Professional Memberships

- Shawn Rabin is admitted to the state courts of New York and Texas and the United States Court of Appeals for the 1st, 5th and 10th Circuits and the United States District Courts for the Northern, Southern, Eastern, and Western Districts of Texas.

SUSMAN GODFREY

- Rabin works with a variety of legal organizations in their efforts to help the public. Most recently, Rabin has been assisting Mothers Against Drunk Driving (MADD) by training volunteers on civil litigation. Rabin was also quoted extensively in the Winter 2009 issue of the MADDvocate, which can be accessed [here](#).
- Rabin is also an active member of the Litigation Committee of the New York City Bar and is a Barrister in the New York American Inn of Court.



Halley Josephs

Partner

Los Angeles

(310) 789-3100

hjosephs@susmangodfrey.com

Overview

Halley Josephs is an accomplished trial and appellate lawyer who represents clients in complex business disputes and other high-stakes litigation around the country. Named one of the Top Women Lawyers in California and a California Lawyer Attorney of the Year by *The Daily Journal*, a Next Generation Leading Lawyer by *Lawdragon*, and a Rising Star of the Plaintiffs' Bar by *National Law Journal's* Elite Trial Lawyers, Halley has experience in a wide range of practice areas, including breach of contract disputes, consumer protection, employment, intellectual property, False Claims Act, and class action litigation.

In 2023 alone, Halley helped secure over \$400 million in recoveries for her clients, including over \$350 million in settlements for universal life insurance policyholders in multiple breach-of-contract class actions against some of the nation's leading insurers, including AXA and North American. Halley is currently litigating putative class actions against additional insurers, including John Hancock, Midland, and Sun Life. Halley also secured a \$16 million settlement in a False Claims Act whistleblower case alleging that Walgreens and its USA Drug affiliates failed to pass on "usual and customary" generic prescription drug prices to government health programs, including Medicaid and Medicare Part D.

Halley previously defended Uber Technologies in the "Tech Trial of the Century," in which Waymo (Google's self-driving car project) claimed more than \$2 billion in damages for alleged trade secret theft. Halley and her team were brought on by Uber only months before the jury trial and achieved a key victory by successfully arguing for the exclusion of Waymo's expert damages opinions. The case settled during the first week of trial. *Benchmark Litigation* awarded Halley and the Susman Godfrey team National Impact Case of the Year for their work on this matter. [Read more.](#)

Halley's notable representations and successes include:

SUSMAN GODFREY

- ***In re AXA COI Litigation (S.D.N.Y.)*** Secured a \$307.5 million settlement for a certified class of plaintiffs who challenged AXA's 2016 increases to cost-of-insurance charges for certain flexible-premium life insurance policies covering elderly insureds.
- ***PHT Holding II LLC v. North American Company for Life and Health Insurance (S.D. Iowa)*** Secured a \$59 million settlement for a certified class of plaintiffs who challenged North American's failure to decrease cost-of-insurance charges for certain flexible-premium life insurance policies.
- ***U.S. ex rel. Strauser, et al. v. Stephen L. LaFrance Holdings Inc. (N.D. Okla.)*** Secured a \$16 million deal to resolve a *qui tam* whistleblower lawsuit in False Claims Act litigation alleging that Walgreens, Stephen L. LaFrance Holdings, Inc., and several companies that were part of USA Drug, a regional pharmacy chain, knowingly overbilled Medicare Part D, Medicaid and other government health programs millions of dollars by unlawfully charging more for generic drugs than the customary prices paid by individuals without prescription drug insurance. [Read more.](#)
- ***Capitol Hill Group v. DCA Capitol Hill LTAC, LLC, et al. (D.C. Superior Court)*** Represented Capitol Hill Group (CHG), a family-owned commercial real estate company, in a contract dispute. Following a week-long bench trial, Halley and her team secured a complete victory on CHG's contract claims plus an award of attorneys' fees and expenses, and defeated an \$18 million fraud counterclaim, resulting in a multi-million dollar judgment in CHG's favor.
- ***Confidential Sports Arbitration.*** Representing a major sports agency in a confidential arbitration concerning the departure of agents to a competing agency.
- ***Vertical Aviation v. Government of Trinidad and Tobago (S.D.N.Y.)*** Represented an international aviation financing and leasing company in breach-of-contract actions to recover more than \$40 million in damages from various lessees. Halley led mediations which resulted in confidential settlements in several of the actions.
- ***Jane Doe v. MindGeek USA Inc. et al. (C.D. Cal.)*** Litigating a certified class action against Pornhub parent company, MindGeek, alleging MindGeek has violated federal sex trafficking and child pornography laws by knowingly posting, enabling the posting of and profiting from thousands of pornographic videos and images featuring persons under the age of 18. Halley and her team secured class certification in November 2023, which you can read about [here](#).

PRO BONO

Halley maintains an active pro bono practice. She currently represents SAJE, ACCE Action, and CES, tenant advocacy groups, as intervenors to help defend the constitutionality of eviction moratoria enacted in the wake of the

SUSMAN GODFREY

COVID-19 pandemic by the City of Los Angeles and County of San Diego. Halley has argued and won multiple appeals before the Ninth Circuit involving Takings Clause challenges to the LA and San Diego ordinances. The *Daily Journal* profiled Halley and her colleagues for their work in this area and named them a *California Lawyer Attorney of the Year* in 2023 for their critical work. Read more in the *San Francisco Chronicle* and *Law360* (subscription required).

BACKGROUND

Halley joined Susman Godfrey after clerking for Judge Patty Shwartz of the U.S. Court of Appeals for the Third Circuit and Judge Anita B. Brody of the U.S. District Court for the Eastern District of Pennsylvania. She earned her J.D. from Yale Law School and her B.A. with distinction and Phi Beta Kappa from the University of Virginia.

Honors & Distinctions

- Lawdragon 500 X – The Next Generation, *Lawdragon* ([2023](#), [2024](#))
- Top Woman Lawyer, *Daily Journal* ([2023](#), Daily Journal Corp)
- California Lawyer Attorney of the Year, *Daily Journal* ([2023](#), Daily Journal Corp)
- Rising Star, *Super Lawyers* Southern California (Thomson Reuters, [2023](#), [2024](#))
- Rising Star of the Plaintiffs Bar, *National Law Journal's* Elite Trial Lawyers ([2022](#), ALM)
- Recipient, *National Impact Case of the Year Award*, *Benchmark Litigation* (2019)
- Yale Law School Coker Fellow, Torts, Professor Douglas Kysar
- Teaching Assistant to the Honorable Stefan R. Underhill (D. Conn.), Complex Civil Litigation, Yale Law School
- Articles Editor, *Yale Journal on Regulation*
- Phi Beta Kappa
- Raven Society

Clerkships

Honorable Patty Shwartz, United States Court of Appeals for the Third Circuit

Honorable Anita B. Brody, United States District Court for the Eastern District of Pennsylvania

Education

Yale Law School (J.D., , 2014)

Admissions

The University of Virginia (B.A., with distinction, 2011)

- Phi Beta Kappa
-

Bar Admissions

- California
 - New York
-

Court Admissions

- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Central District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York



Tom Boardman

Of Counsel

New York

(212) 336-8330

tboardman@susmangodfrey.com

Overview

Tom Boardman is a leading antitrust attorney, representing plaintiffs in high-stakes antitrust class actions for more than a decade, resulting in over \$3.5 billion in settlements.

Prior to joining Susman Godfrey, Tom was a partner at Scott+Scott and worked as an associate at Pearson, Simon & Warshaw in San Francisco.

Notable Representations

Notable Prior Representations

- ***In re Foreign Exchange Benchmark Rates Antitrust Litig.***, (S.D.N.Y.) (\$2.3 billion in settlements)
- ***In re GSE Bonds Antitrust Litig.***, (S.D.N.Y.) (\$386.5 million in settlements)
- ***In re Disposable Contact Lens Antitrust Litig.***, (M.D. Fla.) (\$118 million in settlements)
- ***Alaska Electrical Pension Fund v. Bank of America Corp.***, (S.D.N.Y.) (\$504.5 million in settlements)
- ***In re Bank of Nova Scotia Spoofing Litig.***, (D. N.J.) (\$6.6 million settlement)
- ***In re TFT-LCD (Flat Panel) Antitrust Litig.***, (N.D. Cal.) (\$470 million in settlements)
- ***In re Potash Antitrust Litig. (II)***, (N.D. Ill.) (\$90 million in settlements, unanimous victory before an *en banc* Seventh Circuit panel)
- ***In re NCAA Athletic Grant-In-Aid Cap Antitrust Litig.*** (N.D. Cal.) and ***In re NCAA Student-Athlete Name & Likeness Litig.*** (N.D. Cal.) (landmark antitrust litigation against the NCAA)

SUSMAN GODFREY

Current Cases

- **Mayor and City Council of Baltimore v. Purdue Pharma L.P. et al.**, where a Susman Godfrey team leads the City of Baltimore's litigation against opioid manufacturers, distributors, and prescribers.
- **In re Telescopes Antitrust Litig.**, where, along with two other co-lead firms, Susman Godfrey represents a class of consumers alleging anticompetitive conduct in the telescope market.
- Tom also represents clients in two high stakes business arbitrations.

Honors & Distinctions

- American Antitrust Institute's Outstanding Antitrust Litigation Achievement in Private Law Practice (2020) – *In re GSE Bonds Antitrust Litig.*
- Consumer Attorneys of California, Finalist for Consumer Attorney of the Year (2013) – *In re TFT-LCD (Flat Panel) Antitrust Litig.*
- New York Metro Super Lawyer Rising Stars: Antitrust (2015 – 2020)
- New York Metro Super Lawyer: Antitrust (2020 – present)

Clerkships

Honorable Christina Reiss, United States District Court for the District of Vermont

Education

University of California College of the Law, San Francisco (J.D.,)

- Member, Science and Technology Law Journal
- Research Assistant to Prof. Geoffrey C. Hazard, Jr.

Vassar College (,)

Admissions

Bar Admissions

- California
 - New York
-

Court Admissions

- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Central District of California

- U.S. District Court for the Northern District of California

*Leadership &
Professional
Memberships*

- ABA Antitrust Section